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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HUYNH, CHUCK	
			ART UNIT	PAPER NUMBER
			2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/765,565	LEE ET AL.
	Examiner	Art Unit
	Chuck Huynh	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

1. Applicant's arguments, see Remarks, filed 5/9/2006, with respect to the rejection(s) of claim(s) 16, 20, 21, and 32 that were rejected as being anticipated by Fukuda (JP 2003-152888), and claims 1-3, 5, 14, and 15 that were rejected under 35 U.S.C. 103(a) as being unpatentable over Mani in view of Fukuda, and claim 4 that was rejected under 35 U.S.C. 103(a) as being unpatentable over Mani in view of Fukuda, and further in view of Mani '763, and claims 17 and 18 that were rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Mani, and claim 19 that was rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Mani and further in view of Mani '763 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kwon. The claims are rejected below.

Regarding claims 6-8, 10, 12, 13, 22, 25, 27, and 29-31, Applicant argued that in the invention, multimedia data is sent to the sender, while in Mani (US 2002/0181683) data is sent to the receiver or callee.

Examiner respectfully disagrees. It is disclosed in Mani (US 2002/0181683) that both sender and receiver (caller and callee) can receive multimedia data (Page 1, [0009]).

Therefore, claims 6-8, 10, 12, 13, 22, 25, 27, and 29-31 are still rejected as previously presented.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 10, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, 10, 20 and 27, it is indefinite to what the claim is asserting.

The claim language recites:

"...wherein said control means of the receiving mobile phone performs control for continuously transmitting said multimedia data to said transceiver means of said sending mobile phone even after the receiving mobile phone is **hooked up** and a **bi-directional traffic channel is defined**."

It is unclear to what the Applicant mean with the term "hooked up." Examiner investigated the specification, but there was insufficient amount of disclosure to interpret the functionality of the claim.

Examiner has interpreted that the transmitting of said multimedia data after the mobile phone is "hooked up" or (is connected for transmission) with a bi- directional traffic channel is defined (a connected communication channel for transmission) to be for a continuous transmission of multimedia data between established communication channel', therefore the rejection is based on Examiner's best interpretation of the indefinite, claimed limitation.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 6-8, 10, 12, 13, 22, 25, 27, 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Mani (2002/0181683).**

Regarding claim 6, Mani (2002/0181683) discloses a telecommunication system (Abstract; Fig. 5; [0009], [0044], [0048]), comprising:

a multimedia data-providing server for determining whether a sending mobile phone is capable of downloading and executing multimedia data (multimedia capability determination Fig. 9A, no. 904), and for transmitting said multimedia data, previously stored by a user of a receiving phone (Page 3-6, [0035], [0043], [0050], [0058]) to said sending mobile phone (Page 6, [0054-0057]);

said receiving phone for configuring a multimedia data-providing service and for registering said multimedia data-providing service in said multimedia data-providing Sever (subscription based Page 6, [0059], [0054-0057]);

said sending mobile phone for downloading said multimedia data, previously configured and stored in said multimedia data-providing server (stored in database), and of connecting said downloaded multimedia data to an application to execute said multimedia data (Page 3-6, [0035], [0043], [0050], [0058], [0054-0057]); and

a telecommunication network for connecting a call signal transmitted from said sending mobile phone to said receiving phone so as to define a channel (a channel is inherently established when a call is established Page 4, [0044]), and for detecting said transmitted call signal and then determining whether said receiving phone is subscribed to said multimedia data-providing service (subscription determination is well known in the art, Page 3, [0035]; Page 6, [0053], [0059]),

wherein if it is determined that said receiving phone is subscribed to said multimedia data-providing service (being a subscriber with multimedia capability Page

3, [0035]; Page 6, [0053], [0059]), said telecommunication network notifies said multimedia data-providing server that said receiving phone is subscribed to said data-providing service (inherently done by access engine Page 3, [0035]).

Regarding claim 7, Mani (2002/0181683) discloses the telecommunication system according to claim 6, wherein said multimedia data- providing server comprises:

a memory for storing said multimedia data (database Page 4, [0043]), previously configured by said user of said receiving phone, and information on subscribers to said multimedia data-providing service (Page 4,5, [0043, 0050]),

a control unit for determining whether said sending mobile phone is capable of downloading and executing said multimedia data (Fig. 9, no. 904; Page 6, [0054]); and a transceiver (transmitting and receiving means Page 3, [0035], Page 1, [0010]) for transmitting said multimedia data, previously configured and stored in said memory by said user of said receiving phone, to said sending mobile phone (Page 6, [0054-0057]).

Regarding claim 8, Mani (US 2002/0181683) discloses the telecommunication system according to claim 7, wherein if said multimedia data stored in said storage means of the receiving mobile phone are updated (Page 4, [0043]), said control means of the receiving mobile phone performs control for transmitting the updated multimedia data to said transceiver means of said sending mobile phone (since the claim does not specify if transmitting of updated multimedia data takes place immediately after the updating of multimedia data, or the next time when the sender mobile phone contacts

the receiving mobile phone, therefore examiner interprets that the claim is stating the latter and asserts that Mani's system suggests that whatever information is in the receiving mobile phone's profile at the time of contact (could be after an update), that the multimedia data is transmitted to the sender (Page 6, [0054-0056]).

Regarding claim 10, Mani (2002/0181683) discloses the telecommunication system according to claim 7, wherein said control means performs control for continuously transmitting said multimedia data to said sending mobile phone even after the receiving mobile phone is hooked up (connected for transmission) and a bi-directional traffic channel is defined (connected through a communication channel for transmission) ([0054-0057]).

Regarding claim 12, Mani (2002/0181683) discloses the telecommunication system according to claim 6, wherein said receiving phone is a mobile phone (Page 3, [0031]), a general wired/wireless phone, or a PDA phone.

Regarding claim 13, Mani (2002/0181683) discloses the telecommunications system according to claim 6, wherein said multimedia data comprises at least one of video (Page 1, [0009]), still images, maps, name cards, personal profiles, music, and business advertisements.

Regarding claim 22, Mani (2002/0181683) discloses a method for automatically downloading multimedia data from a multimedia data-providing server in a telecommunication system, comprising:

transmitting, by a transceiver means of a sending mobile phone, a call signal through a telecommunication network (Page 6, [0054]);

detecting, by said telecommunication network, said transmitted call signal and notifying the multimedia data-providing server (inherently done by multimedia call/session engine) of the detection results (Page 3, [0032], [0035], Page 5, [0054]);

transmitting, by the multimedia data-providing server, the multimedia data, previously configured and stored in the server (database Page 4, [0043]) by a user of the receiving part's phone, to said transceiver means of said sending mobile phone in response to said notification (Page 4, [0042]-[0043]; Page 6, [0054]-[0057]); and

downloading, by said transceiver means of said sending mobile phone, the multimedia data transmitted from the multimedia data-providing server and storing the multimedia data in a storage means of said sending mobile phone (Page 5, [0049], furthermore transceivers and memory storage within a mobile phone is well known in the art).

Regarding claim 25, Mani (US 2002/0181683) discloses the method according to claim 22, wherein the transmitting operation further comprises:

If the multimedia data stored in the multimedia data-providing server(database) are updated (Page 4, [0043]), transmitting said updated multimedia data to said

transceiver means of said sending mobile phone (since the claim does not specify if transmitting of updated multimedia data takes place immediately after the updating of multimedia data, or the next time when the sender mobile phone contacts the receiving mobile phone, therefore examiner interprets that the claim is stating the latter and asserts that Mani's system suggests that whatever information is in the receiving mobile phone's profile at the time of contact (could be after an update), that the multimedia data is transmitted to the sender (Page 6, [0054-0056]).

Regarding claim 27, Mani (2002/0181683) discloses the method according to claim 22, wherein the transmitting operation further comprises continuously transmitting said multimedia data to said transceiver means of said sending mobile phone even after the receiving mobile phone is hooked up (connected for transmission) and a bi-directional traffic channel is defined (connected through a communication channel for transmission) ([0054-0057]).

Regarding claim 29, Mani (2002/0181683) discloses the method according to claim 22, wherein the downloading operation further comprises downloading, by said sending mobile phone, said transmitted multimedia data and connecting said transmitted multimedia data to an application to execute said transmitted multimedia data (Page 5, [0046]).

Regarding claim 30, Mani (2002/0181683) discloses the method according to claim 22, wherein said receiving phone is a mobile phone (Page 3, [0031]), a general wired/wireless phone, or a PDA phone.

Regarding claim 31, Mani (2002/0181683) discloses the method according to claim 22, wherein said multimedia data comprises at least one of video (Page 1, [0009]), still images, maps, name cards, personal profiles, music, and business advertisements (Page 5, [0048]).

1. Claims 16, 19-21, 32 rejected under 35 U.S.C. 102(e) as being anticipated by Kwon (Korean Patent 2002-0061700).

Regarding claim 16, Kwon discloses a method of automatically downloading multimedia data (The Constitution; Page 11-16) from a receiving mobile phone to a sending mobile phone, comprising:

transmitting, by a transceiver means of the sending mobile phone, a call signal through a telecommunication network (Page 7-8: Page 7: Paragraph: "In order to achieve..." step (a));

receiving, by a transceiver means of the receiving mobile phone, said call signal transmitted through said telecommunication network and defining a channel to said telecommunication network (Page 7-8: Page 7: Paragraph: "In order to achieve..." step (b));

transmitting, by the receiving part's mobile phone, the multimedia data previously configured and stored in a storage means of the receiving part's mobile phone by a user of the receiving part's mobile phone to said transceiver means of the sending mobile phone after said channel is defined (Page 7-8: Page 7: Paragraph: "In order to achieve..." Page 8: step (d)); and

downloading said transmitted multimedia data and storing said transmitted multimedia data in a storage means (inherently in phone to perform receiving capability either volatile or non-volatile) of the sending mobile phone (Page 14-15: Paragraph "At that time, if the transmitter...").

Regarding claim 19, Kwon discloses the method according to claim 16, wherein the transmitting operation further comprises transmitting said multimedia data to said transceiver means of the sending mobile phone even when said user of the receiving mobile phone is talking on the receiving mobile phone (when receiving phone is busy Page 9, lines 2-3).

Regarding claim 20 Kwon discloses the method according to claim 16, wherein the transmitting operation further comprises continuously transmitting said multimedia data to said transceiver means of the sending mobile phone even after the receiving mobile phone is hooked up (not in enabled state) and a bi-directional traffic channel is defined (connected to the multimedia private mailbox) (Page 14-15).

Regarding claim 21, Kwon discloses the method according to claim 16, wherein the downloading operation further comprises downloading, by the sending mobile phone, said transmitted multimedia data and connecting the multimedia data to an application to execute the multimedia data (displayed on sending mobile's screen: Page 14-15).

Regarding claim 32, Kwon discloses the method according to claim 16, wherein said multimedia data comprises at least one of video, still images (Page 5: "...data packet transmission method to be able to transmit and receive voice, **image**..."), maps, name cards, personal profiles, music (Page 16), and business advertisements.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mani (2002/0181683) in view of Kwon.**

Regarding claim 1, Mani (US 2002/0181683) discloses a sending mobile phone (Page 3, [0031]; multimedia interface Fig. 6; Page5, [0046]) comprising:

a transceiver (well known in the art for mobile phone) means for transmitting a call signal to a receiving mobile phone through a telecommunication network (a caller calling a callee: Page 6, [0054]) and for receiving multimedia data (the caller receives the called party's presentation profile Page 6, [0057]) (which is in multimedia form Page 1, [0009]) stored in a storage means of said receiving mobile phone;

a storage means (Fig. 6; Page 5, [0049]) for storing said received multimedia data;

an application for executing said multimedia data to be output (Fig. 6; Page 5, [0046]); and

a control means for determining whether said receiving mobile phone is subscribed to a multimedia data-providing service (subscription retrieval, subscription status or having a subscription Page 3, [0035]; Page 6, [0053], [0054], [0057], [0059]),

wherein said control means composes an application-management module for determining the kind of multimedia data, connecting said multimedia data to said application, and managing and controlling said application (Page 6, [0054-0057]; Fig. 6, the multimedia interface can determine if its an audio, video, pictures/graphics, etc).

Even though Mani discloses all the particulars of the claim, Mani does not clearly specify that the multimedia data, that the sending mobile is receiving from the receiving mobile, is stored in a storage means of said receiving mobile phone.

However, it is obvious that a mobile phone has its own storage and memory, and Kwon discloses a storage means of said receiving mobile phone (multimedia data is stored in multimedia information provider (140) by receiving mobile: Page 15:

Paragraph: "Here, in transmitting a multimedia information..."; Page 16: Paragraph: "Also, the user of the receiver mobile communication...")

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Kwon's multimedia information provider with the mobile phone of Mani to provide multimedia storage capability for a subscriber.

Regarding claims 14 and 15, Mani (US 2002/0181683) discloses the sending mobile phone according to claim 1 and 2 respectively, wherein said multimedia data comprises at least one of video, still images, maps, name cards, personal profiles, music, and business advertisements (Page 1, [0009]).

Regarding claim 2, Mani (US 2002/0181683) discloses a receiving mobile phone subscribed to a multimedia data-providing service, comprising:

a sensing means for sensing when a channel to a telecommunication network is defined (when a call is established Page 4, [0044]);

a storage means (can either be at a database or in the mobile phones memory) for storing multimedia data configured by a user of said receiving mobile phone (broadly interprets as a database that mobile device stores its profile presentation that subscriber configure Page 4-6, [0043], [0050], [0058]);

a transceiver means for receiving a call signal from a transceiver means of a sending mobile phone (Page 6, [0054]) or for transmitting said multimedia data stored in said storage means to said sending mobile phone (Page 6, [0057]); and

a control means for configuring the multimedia data-providing service and for determining whether said sending mobile phone is capable of downloading and executing said multimedia data (determination if sending mobile has multimedia capability Fig. 9A, no. 904).

Even though Mani discloses all the particulars of the claim, Mani does not clearly specify that the multimedia data, that the sending mobile is receiving from the receiving mobile, is stored in a storage means of said receiving mobile phone.

However, it is obvious that a mobile phone has its own storage and memory, and also Kwon discloses a storage means of said receiving mobile phone (multimedia data is stored in multimedia information provider (140) by receiving mobile: Page 15: Paragraph: "Here, in transmitting a multimedia information..."; Page 16: Paragraph: "Also, the user of the receiver mobile communication...")

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Kwon's multimedia information provider with the mobile phone of Mani to provide multimedia storage capability for a subscriber.

Regarding claim 3, Mani (US 2002/0181683) discloses the receiving mobile phone according to claim 2, wherein if said multimedia data stored in said storage means of the receiving mobile phone are updated (Page 4, [0043]), said control means of the receiving mobile phone performs control for transmitting the updated multimedia data to said transceiver means of said sending mobile phone (since the claim does not specify if transmitting of updated multimedia data takes place immediately after the

updating of multimedia data, or the next time when the sender mobile phone contacts the receiving mobile phone, therefore examiner interprets that the claim is stating the latter and asserts that Mani's system suggests that whatever information is in the receiving mobile phone's profile at the time of contact (could be after an update), that the multimedia data is transmitted to the sender (Page 6, [0054-0056]).

Regarding claim 4, Mani (US 2002/0181683) in view of Kwon does disclose the receiving mobile phone according to claim 2, wherein said control means of the receiving mobile phone performs control for transmitting said multimedia data to said transceiver means of said sending mobile phone even when a user of the receiving mobile phone is talking on said receiving mobile phone (receiving phone is busy: Page 9, lines 2-3).

Regarding claim 5, Mani (2002/0181683) discloses the receiving mobile phone according to claim 2, wherein said control means of the receiving mobile phone performs control for continuously transmitting said multimedia data to said transceiver means of said sending mobile phone even after the receiving mobile phone is hooked up (connected for transmission) and a bi-directional traffic channel is defined (connected through a communication channel for transmission) ([0054-0057]).

4. Claim 9, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mani (2002/0181683) in view of Mani (6628763).

Regarding claim 9, Mani (US 2002/0181683) discloses all the limitations of the claim, even a multimedia call-waiting system (Page 4, 5, [0039], [0045]), however Main (2002/0181683) does not clearly disclose the limitation that the receiving mobile phone according to claim 7, wherein said control means of the receiving mobile phone performs control for transmitting said multimedia data to said transceiver means of said sending mobile phone even when a user of the receiving mobile phone is talking on said receiving mobile phone.

However, Mani (US 6628763) does disclose in detail the multimedia call-waiting system which discloses the limitation that the receiving mobile phone according to claim 2, wherein said control means of the receiving mobile phone performs control for transmitting said multimedia data to said transceiver means of said sending mobile phone even when a user of the receiving mobile phone is talking on said receiving mobile phone (Col 9, lines 25-60).

It would have been obvious to one ordinarily skilled in the art at the time of invention to combine both of Mani's disclosure together to provide a multimedia call-waiting connectivity.

Regarding claim 26, Mani (US 2002/0181683) discloses all the limitations of the claim, even a multimedia call-waiting system (Page 4, 5, [0039], [0045]), however Main

(2002/0181683 does not clearly discloses the limitation that the receiving mobile phone according to claim 22 wherein the transmitting operation further comprises transmitting the multimedia data to said transceiver means of said sending mobile phone even when a user of said receiving phone is talking on said receiving phone.

However, Mani (US 6628763) does disclose in detail the multimedia call-waiting system which discloses the limitation that the receiving mobile phone according to claim 2, wherein the transmitting operation further comprises transmitting the multimedia data to said transceiver means of said sending mobile phone even when a user of said receiving phone is talking on said receiving phone (Col 9, lines 25-60).

It would have been obvious to one ordinarily skilled in the art at the time of invention to combine both of Mani's disclosure together to provide a multimedia call-waiting connectivity.

5. Claim 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon in view of Mani (2002/0181683).

Regarding claim 17, Kwon discloses all the limitations including determining whether the sending mobile phone is capable of downloading and executing said multimedia data (Page 7-8: part (c), step (a)); however Kwon does not disclose wherein the method according to claim 16, wherein the receiving operation further comprises:

if it is determined that the receiving mobile phone is subscribed to a multimedia data-providing service, determining whether the sending mobile phone is capable of downloading and executing said multimedia data.

However, Mani (2002/0181683) does disclose the limitation that if it is determined that the receiving mobile phone is subscribed to a multimedia data-providing service (authentication/authorization performed by access engine Page 3, [0003]), determining whether the sending mobile phone is capable of downloading and executing said multimedia data (multimedia capable Fig. 9; [0054]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Mani's disclosure of subscription authentication to provide multimedia services/connection to appropriate subscribers.

Regarding claim 18, Kwon discloses all the limitations of the claim except the method according to claim 16, wherein the transmitting operation further comprises:

if said multimedia data stored in said storage means of the receiving mobile phone are updated, transmitting said updated multimedia data to said transceiver means of the sending mobile phone.

However, Mani (US 2002/0181683) does discloses the receiving mobile phone according to claim 16, wherein if said multimedia data stored in said storage means of the receiving mobile phone are updated (Page 4, [0043]), said control means of the receiving mobile phone performs control for transmitting the updated multimedia data to said transceiver means of said sending mobile phone (since the claim does not specify

if transmitting of updated multimedia data takes place immediately after the updating of multimedia data, or the next time when the sender mobile phone contacts the receiving mobile phone, therefore examiner interprets that the claim is stating the latter and asserts that Mani's system suggests that whatever information is in the receiving mobile phone's profile at the time of contact (could be after an update), that the multimedia data is transmitted to the sender (Page 6, [0054-0056]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Mani's disclosure to provide data transmission.

6. Claims 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mani (2002/0181683) in view of Faccin et al. (hereinafter Faccin).

Regarding claim 23, Mani (2002/0181683) discloses all the particulars of the claim even a subscription/authentication/authorization performed by an access engine Page 3, [0003] (which is known in the art of authentication), but does not specifically mention in details the method according to claim 22, wherein the detecting operation further comprises:

after said telecommunication network detects said transmitted call signal, determining whether said receiving phone is subscribed to a multimedia data-providing service; and

if it is determined that said receiving phone is subscribed to said multimedia data-providing service, notifying the multimedia data-providing server that said receiving phone is subscribed to said multimedia data-providing service.

However, Faccin does suggest the method according to claim 22, wherein the detecting operation further comprises:

after said telecommunication network detects said transmitted call signal, determining whether said receiving phone is subscribed to a multimedia data-providing service (Page 2, [0044, 0045, 0046, 0050, 0084, 0085]); and

if it is determined that said receiving phone is subscribed to said multimedia data-providing service, notifying the multimedia data-providing server that said receiving phone is subscribed to said multimedia data-providing service (authentication for participation in multimedia session Page 2, [0044]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Faccin's disclosure to provide service connectivity.

Regarding claim 24, Mani (2002/0181683) discloses the method according to claim 23, wherein the transmitting operation further comprises:

after the multimedia data-providing server receives said notification, determining whether said sending mobile phone is capable of downloading and executing the multimedia data (Fig. 9; Page 6, [0054]); and

transmitting the multimedia data to said transceiver means of said sending mobile phone (Page 6, [0054-0057]).

7. Claims 11 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mani (2002/0181683) in view of Chen et al. (US 5751791) (hereinafter Chen).

Regarding claim 11, Mani (2002/0181683) discloses all the particulars of the claim except the telecommunication system according to claim 7, wherein said control means performs control for transmitting said multimedia data to said sending mobile phone even when said receiving phone is turned off.

However, Chen (US 5751791) discloses a multimedia message greeting that is played to the caller when the call to the callee goes unanswered (Col 2, lines 25-30) because: the called party may have multimedia communication station turned off (Col 1, lines 37-40), which reads on the limitation that said control means (multimedia server) performs control for transmitting said multimedia data to said sending mobile phone (caller) even when said receiving phone (callee) is turned off (Col 6, lines 16-23, 35-44).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Chen's disclosure to provide caller information about callee, similar to a greeting to a voicemail system, which is well known in the art.

Regarding claim 28, Mani (2002/0181683) discloses all the particulars of the claim except the method according to claim 22, wherein the transmitting operation

further comprises transmitting the multimedia data to said sending mobile phone even when said receiving phone is turned off.

However, Chen (US 5751791) discloses a multimedia message greeting that is played to the caller when the call to the callee goes unanswered (Col 2, lines 25-30) because: the called party may have multimedia communication station turned off (Col 1, lines 37-40), which reads on the limitation that said control means (multimedia server) performs control for transmitting said multimedia data to said sending mobile phone (caller) even when said receiving phone (callee) is turned off (Col 6, lines 16-23, 35-44).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Matsubara; Atsushi discloses A **videophone having an automatic answering capability**
- Miller; Scott Corey discloses A Wireless multi-media messaging communications method and apparatus
- Ala-Luukko; Sami discloses A Transmission of multimedia messages between mobile station terminals

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chuck Huynh


DUC NGUYEN
PRIMARY EXAMINER